IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8313 OF 2006

Shri Shaikh Mhod. Mhod. Issak Karjikar & Ors. ..Petitioners

Vs.

Shri Abbas Shaikh Hasan Jalgaonkar & Anr. ..Respondents

Mr.S.A.Sawant for the petitioners

Ms.Sushma S. Bhende, A.G.P. for respondent no.2

CORAM : A.P.DESHPANDE, J

DATED : 19TH DECEMBER, 2006

P.C.:

1. Perusal of para 7 and 8 of the impugned order reveals that the property in question is included in the list of properties of the wakfs published by the State of Maharashta Government Gazette dt. 31.7.06 and hence, property in question ceases to be the trust property.

2. The learned counsel submits that if this be the position, the petitioner be permitted to withdraw the writ petition with liberty to approach

the appropriate forum under the relevant act which regulates the wakf property and the proceedings so taken up before the appropriate authority.

3. The petitioner is allowed to raise all the grounds that are raised in this petition including moving of an interlocutory application. Allowed to be withdrawn with liberty as prayed for.

(SHRI A.P.DESHPANDE, J)